In the High Court of Judicature at Madras

Dated:15.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.216 of 2006

S. Vaidyanathan .. Petitioner

vs.

1. The Sub-Inspector of Police
   Kadampuliyur.

2. The Deputy Superintendent of Police
   Panruti.

3. The Superintendent of Police
   Cuddalore.

4. Chinraj
5. Anandan

RR.4,5 Impleaded as per order of this Court dated 27.4.2006
Criminal M.P.34/2006 dt. 27.4.2006 PSJ and JAKSJ

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. R. Ayyathurai

For respondents 1 to 3 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner, by name, S. Vaidyanathan has filed this petition seeking production of his minor daughter V. Suriya before this Court and set her at liberty.

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2. According to the petitioner, the detenue V. Suriya is his daughter; her date of birth is 10.04.1989 and was studying +2 in Subbaraya Chettiyar Higher Secondary School at Panruti. On 19.01.2006, his daughter as usual gone to School, but did not return to home in the evening. After thorough check and of the fact that he was not able to locate his daughter, he made a complaint on 20.01.2006. He also presented a petition to the Superintendent of Police, Cuddalore on 24.01.2006. Since his daughter was not traceable, he filed this petition before this Court.

3. Pursuant to the direction of this Court, the detenue V. Suriya appeared before us. Even on 16.03.2006, in the enquiry, she asserted that she is a major and aged about 18 years. According to her, her date of birth is 05.12.1987. The School certificate produced by the petitioner shows her date of birth as 10.04.1989. If that is so, she is a minor. During our enquiry on 06.04.2006, as well as today she informed us that she married one Chinraj of Siruvathur, Panruti Taluk on 20.01.2006 and according to her from that date onwards she is living with her husband and in-laws.

4. As directed by this Court, Chinraj, husband of the detenue was impleaded as 4th respondent in this petition. The said Chinraj along with his parents appeared before us. We enquired him as well as his parents. He informed us that he is aged about 22 years and employed in Saraswathi Jewelry, Gandhi Road, Panruti and getting an income of Rs.3,000/- per month. His parents also stated the same thing. They also promised to support their son and assured this Court that they will take care of their son and daughter-in law, detenue in this petition.

5. The petitioner S. Vaidyanathan, father of the detenue, who is also present before us, though has no objection for the union of the detenue and the 4th respondent, he expressed in categorical terms that his daughter has to sever all connection with him in future. Even after the above statement by the petitioner, the detenue is determined to continue her life with 4th respondent Chinraj.

6. We are conscious of the fact that the entry in the school certificate is relevant for the purpose of determination of age of a person. Though in the school certificate the date of birth of the detenue has been stated as 10.04.1989, she asserted that her date of birth is 05.12.1987. Taking note of her assertion as well as the undisputed fact that she married the newly impleaded 4th respondent even on 20.01.2006 and living together from that date happily, we are not inclined to separate them at this stage. Even if we accept the entry in the school certificate is correct, after few months she will attain majority and the detenue can continue her life as per her wish. In view of the peculiar circumstance and of the relevant fact that both the detenue and 4th respondent living together for a period of six months after marriage on 20.01.2006, we permit them to live together. At the same time we direct the parents of the 4th respondent to render all assistance including financial assistance

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for the welfare of his son and daughter-in-law.

With the above observation this petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Sub-Inspector of Police
   Kadampuliyur.

2. The Deputy Superintendent of Police
   Panruti.

3. The Superintendent of Police
   Cuddalore.

4. The Public Prosecutor, High Court, Madras.

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Dt.15.06.2006

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